

REMARKS

Summary of the Office Action

Claims 2-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Garfinkle et al.* (U.S. Patent No. 6,017,157).

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Slater et al.* (U.S. Patent No. 6,157,435).

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Garfinkle et al.* or *Slater et al.*

Summary of the Response to the Office Action

Applicant has amended claims 1-3, and added new claims 6-10 to more clearly define the invention. Accordingly, claims 1-10 are currently pending.

Attached hereto is a marked-up version of the changes made by the current amendment.

The attached page is captioned, "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

The Rejections under 35 U.S.C. §112, second paragraph

Claims 2-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Applicant has amended claims 2 and 3 in accordance with the comments in the Office Action.

Applicant respectfully submits that the amendments to claims 2 and 3 do not narrow the intended scope of the claims, and therefore, Applicant does not intend to relinquish any subject matter by these amendments. Applicant respectfully submits that claims 2 and 3, as amended, and claim 4

fully comply with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

The Rejections under 35 U.S.C. §102(e)

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Garfinkle et al.* Also, claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Slater et al.* Applicant respectfully traverses the rejection as explained below.

With respect to independent claim 1, as newly-amended, Applicant respectfully submits that neither *Garfinkle et al.* nor *Slater et al.* teaches or suggests the claimed combination, including at least “a photographic printing condition used for producing a photographic print at each photographic processing apparatus installed in each of said photographic processing sites that are connected to said center via a communication line.”

The Office Action alleges that *Garfinkle et al.* renders claims 1-4 of the present invention unpatentable because “the information or data gathered [by *Garfinkle et al.*] while scanning these prints would inherently include photographic printing conditions, since it is scanning the current condition of the print.” The Office Action also alleges that *Slater et al.* discloses “an image scanner an image scanner 41 [sic] which can provide image characteristic data on such characteristics as image density, color balance, or contrast.” According to the Office Action, on pages 3-4, the photographic printing conditions taught in *Garfinkle et al.* and *Slater et al.* represent the actual state of a photographic print, namely, image characteristics represented on the photographic print. Further, the Office Action alleges that because “[I]t is further noted that the term “when” in claim 1, line 11 is very general,” *Garfinkle et al.* and *Slater et al.* both teach

claim 1 since both references teach that a customer can order additional prints at a later time based on the previous printing conditions. The previous printing conditions the Office Action refers to are characteristics that are actually represented in a previous photographic print.

The amendments to claim 1 clarify that the photographic printing condition is a condition necessary to produce a photographic print, such as a condition necessary to expose a recording medium such as color paper using processed image data or to develop the exposed recording medium. Thus, Applicant respectfully submits that the photographic printing condition, as claimed in newly-amended claim 1, does not refer to the state of a photographic print and information or the like obtained by scanning a print or the like with a scanner, but is a condition used for producing a photographic print. Neither *Garfinkle et al.* nor *Slater et al.* teaches or suggests that the information gathered while scanning prints would include photographic printing conditions. Therefore, Applicant respectfully submits that *Garfinkle et al.* and *Slater et al.* do not teach or suggest the photographic printing condition that is used for producing a photographic print at the time of previous printing, and both references fail to disclose storage of the photographic printing condition in the database of the center connected via a communication line instead of the image data itself for the purpose of using at the time of reprinting.

Accordingly, for at least these reasons, Applicant respectfully asserts that the rejections under 35 U.S.C. §102(e) should be withdrawn because none of the applied references teaches or suggests each and every feature of newly-amended independent claim 1. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union

Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that the rejections of dependent claims 2 and 3, as newly-amended, and dependent claim 4 should also be withdrawn at least because of the dependence upon independent claim 1, as newly-amended, and for the reasons set forth above.

The Rejection under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Garfinkle et al.* or *Slater et al.* Applicant respectfully traverses the rejections as explained below.

As discussed above, neither *Garfinkle et al.* nor *Slater et al.* teaches or suggests the claimed combination, including at least "a photographic printing condition used for producing a photographic print at each photographic processing apparatus installed in each of said photographic processing sites that are connected to said center via a communication line," as recited by newly-amended independent claim 1. Applicant respectfully asserts that the rejection of dependent claim 5 should be withdrawn at least because of the dependence upon independent claim 1, as newly-amended, and for the reasons set forth above.

With no other rejection pending, Applicant respectfully submits that claims 1-5 are in condition for allowance.

New Claims 6-10

Applicant has added new claims 6-10 to further differently define the invention. Applicant respectfully submits that new claims 6-10 are allowable over the prior art of record based on the reasons set forth above.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Applicant respectfully requests a three month extension. Please charge the amount of \$920.00 to our Deposit Account No. 50-0310.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend pending claims 1, 2 and 3 as follows:

1. (Amended) A remote photographic processing system, comprising:

[~~one or more~~] **a plurality of different** photographic processing sites, each having a photographic processing apparatus; and

a center having a database which stores a photographic printing condition [~~of~~] **used for producing a photographic print at** each photographic processing apparatus installed in each of said photographic processing sites that [~~is~~] **are** connected to said center via a communication line[~~;~~],

wherein said photographic printing condition [~~which is obtained when~~] **used for producing said photographic print at a** previous printing [~~has been performed~~] at each of said photographic processing sites [~~and then~~] **is** sent to the database therefrom [~~is~~] **and then** stored in the database.

2. (Amended) The system according to claim 1, wherein said previous printing is [~~simultaneous~~] **an initial** printing.

3. (Amended) The system according to claim 1, wherein, when each of said photographic processing sites [~~which has received~~] **receives** a request for later printing,

[~~inquiries~~] and then queries the database in said center as to whether [~~the~~] said photographic printing condition at [~~the~~] said previous printing corresponding to [~~said~~] the request for the later printing is stored therein [~~or not~~] and [~~catches that~~] obtains said photographic printing condition [~~is~~] if stored, the request for the later printing is processed using said photographic printing condition.

New claims 6-10 have been added.